



Austin City Council MINUTES

For

DECEMBER 8, 1983 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Ron Mullen
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Roger Duncan
Sally Shipman
Mark E. Spaeth
Charles E. Urdy

Nicholas M. Meiszer
City Manager

Elden Aldridge
City Clerk

Memorandum To:

Mayor Mullen called to order the meeting of the Council scheduled for 1:00 p.m. and noted the presence of all Councilmembers.

MINUTES APPROVED

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, approved the minutes for regular meetings of September 15 and 22, 1983. (7-0 Vote)

CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (7-0 Vote)

Capital Improvements Program

Approved amending the 1983-84 Capital Improvements Program by appropriating the bond funds approved in the October 22, 1983 Bond Election for 84/12-04 Alternate Energy projects - \$25,500,000; 84/12-03 Longhorn Dam Hydrogeneration Plant - \$10,000,000; 84/62-14 Jollyville Road Improvements - \$4,400,000; and 84/84-01 Brackenridge 2000 - \$50,000,000.

CIP Budget

Amended CIP Budget by accepting and appropriating \$8,333.33 from the Downtown Austin Banker's Association for Phase I of the restoration of the Old Bakery Building.

"Republic Plaza Two"

Waived the 90 day review period for structure over 60' in downtown "Republic Plaza Two" office building and parking garage located at Guadalupe, Lavaca, West 3rd and West 4th Street. C16-83-007.

"Waller Creek Plaza"

Waived the 90 day review period for structure over 60' in downtown "Waller Creek Plaza" parking garage and office building between 9th and 10th Streets. C16-83-006.

Capital Improvements Program

Approved an ordinance receiving and accepting work of paving Barge Street, existing of approximately 1 block. CAPITAL IMPROVEMENTS PROGRAM No. 82/62-08.

Cable Television Franchise

Passed through SECOND READING of ordinance amending the Cable Television Franchise Ordinance in order to permit the following cable channel line-up changes:

<u>CABLE CHANNEL</u>	<u>FROM EXISTING SERVICE</u>	<u>TO PROPOSED SERVICE</u>
Five (5)	E.S.P.N.	KBVO
Six (6)	Austin Public Access/ Color Weather Radar C-SPAN	C/SPAN of Austin Municipal Access
Twenty Four (24)	Not Existing	Cable Health Network
Forty Three (43)	Cable Health Network	E.S.P.N.

Annexation Ordinances

Passed ordinances annexing the following:

- a. 30 acres of land out of the Theodore Bissel League No. 18, Pheasant Run Section 2. C7A-81-007.
- b. 131 acres of land out of the Thomas Anderson League, Maple Run, Section 5, Maple Run, Section 6, Maple Run, Section 7 and Maple Run, Section 7-A and portion of Latta Drive. (C7A-81-010 & C7A-81-011)
- c. 7.73 acres of land out of the James O. Irvine Survey No. 122, Balcones Village Section 12. C7A-81-014.
- d. 15.9 acres of land out of the William Cannon League Survey No. 19, portion of Buckingham Estates, Phase 3, Section 3-A. (C7A-83-004)

Release of Easements

Authorized release of the following easements:

- a. The 5' Public Utility Easement located along the rear lot line of Lot 14, Westenfield I, 2702 Enfield Road.
(Requested by Ms. Ann Brooke)
- b. The 7.5' Public Utility Easement along the west line of Lot 31, Block D, Cat Mountain North Section I, 5308 Backtail Drive. (Requested by Mr. Jay Green)

Capital Improvements Program

Approved the selection of ARE; Inc./Conway & Assoc., Inc. for professional engineering services in connection with Jollyville Road/ Loop 1 to Loop 360 and Great Hills Trail to U.S. Highway 183.
CAPITAL IMPROVEMENTS PROGRAM No. 84/62-14.

Contracts Approved

Approved the following contracts:

- a. WESTINGHOUSE ELECTRIC CORP.
201 N. St. Mary's
San Antonio, Texas
- CAPITAL IMPROVEMENTS PROGRAM
Motor Control Center for Decker
Unit No. 1, Electric Utility
Department
Item 1 - \$15,250.00
C.I.P. No. 79/12-01
- b. IRON MOUNTAIN FORGE SPORT AND
RECREATIONAL PRODUCTS
113 Indiana
Laredo, Texas
- CAPITAL IMPROVEMENTS PROGRAM -
Hexagonal Picnic Shelter, Parks
and Recreation Department
Item 1 - \$10,835.00 C.I.P. No.
75/86-46
- c. PREFERRED CONSTRUCTION COMPANY
P. O. Box 5930
Austin, Texas
- Rehabilitation in Hartford Road,
Newfield Lane and Wooldridge
Drive, Water and Wastewater
Department - \$269,626.00
- d. INDUSTRIAL INTERNATIONAL, INC.
8016 Old Manor Road
Austin, Texas
- 1,440 ft. of 12" PVC pipe for
Hornsby Bend Wastewater Treatment
Plant, Water and Wastewater
Department
Item 1 - \$13,248.00

CONTRACTS - (Continued)

- e. YARWAY CORPORATION
123 North Point Drive #199
Houston, Texas - Drum level fiber optic system for monitoring performance of Holly #3 boiler, Electric Utility Department
Item 1 - \$8,619.00
- f. AMERICAN CAST IRON PIPE CO
8738 Forney Road
Dallas, Texas - 324 ft. of 24" Ductile CI pipe, Water and Wastewater Department
Item 1 - \$9,418.68
- g. AMERICAN SWITCHGEAR CORPORATION
4276 Strausser Street, N.W.
North Canton, Ohio - Replacement parts for air magnetic circuit breaker at Burleson Substation, Electric Utility Department
Items 1 - 5 \$6,711.00
- h. Bid award:
- Job Training Partnership Act (JTPA) Training and Job Placement Program for Fiscal Year 1984 (October 1, 1983 to June 30, 1984), Human Services Department - Not to exceed \$260,000.00
- (1) AUSTIN WOMEN'S CENTER(MBE)
1505 West 6th Street
Austin, Texas - Not to exceed \$110,000
- (2) SER-JOB FOR PROGRESS(MBE)
4704 East 1st Street
Austin, Texas - Not to exceed \$150,000

Parking Lease

Approved renewing parking lease at 9th and Lavaca with Lavaca Associates.

Joint Transmission Agreement

Approved a Joint Transmission Agreement with the Pedernales Electric Co-Op.

Contracts Approved

Approved contracts with Austin Chamber of Commerce, \$475,000; Mexican-American Chamber of Commerce, \$175,000; Capital City Chamber of Commerce, \$80,000. Councilmember Urdy said, "Based on the initial

CONTRACT - (Continued)

working relationship with the Chambers that they will fulfill the following commitments: (1) Produce a plan of action by January 19, 1984. This is a cooperative effort between all three chambers and that they begin monthly operational reviews on accomplishments to date and that they provide this City Council with quarterly updates starting in April, 1984 on the success of toward their annual plan. This is part of the motion going along with the contract approval."

Mayor Mullen stated, "After discussion with all three Chambers of Commerce, I am pleased and excited about the mutual cooperation that has been displayed by these three changes. They know we are going to put this out for bid and it requires that they do a good job and to minimize costs they have had initial discussions on opportunities to be marketed without the burden of new overhead and I think this is the way it should be handled and I am extremely pleased that they have been able to work this out. I endorse the proposal and look forward to a quantitative market result in 1984 that we can measure and continue to get as much as possible out of the bed tax money."

Public Hearings Set

Set the following public hearings:

- a. Amending Chapter 13-2 (Zoning) of the Austin City Code, providing for adjusted setback, lot width and area requirements for certain lots and parcels in "LA" Lake Austin Residence Districts: January 5, 1984 at 3:30 p.m.
- b. Amending Chapter 13-2-1 (Zoning Ordinance) of the Austin City Code related to the definition of accessory use: January 5, 1984 at 3:30 p.m.

Report Accepted

Approved acceptance of the report submitted by the Civic Events Center Task Force.

OLD ANDERSON HIGH SCHOOL

Councilmember Urdy and Mayor Pro Tem Trevino introduced an item to Council to reconsider Council's position on the Old Anderson High School Building and request the City Manager to seek from the A.I.S.D. a resubmittal of their initial offer of the building with the understanding that it not be tied to the land exchange now pending HUD's approval.

Motion

The Council, on Councilmember Urdy's motion, Councilmember

HIGH SCHOOL - (Continued)

Shipman's second, to ask A.I.S.D. to reconsider and give the Old Anderson High School building to the City of Austin because since the vote there has been a creative plan presented by staff to use the building as a job training facility with funds from the public; and ask A.I.S.D. to offer structure to the City again with no strings attached with aid in rehabilitation if possible. (7-0 Vote)

Mr. Meiszer, City Manager, told Council to have a financing plan before they accept title to the property.

STRIP ANNEXATION REPORT

Assistant City Manager Terry Childers presented the City Manager Report on strip annexation along RM 620 and IH 35 North. He said the recommendation is for limited purpose annexation because the cost of full annexation is about \$1.12-million for the first year of 1983-84. The cost to annex FM 1325 would be \$1,000,000. City's income from capital recovery fee to serve the area would be \$747,000.

Mr. Lillie outlined the annexation by use of maps.

Frank Rodriguez, Director of Management and Budget, said the City cannot afford full annexation.

EXECUTIVE SESSION

Mayor Mullen announced Council would go into Executive Session under Section 2, paragraph e, litigation to consider agenda item C.7, and ordinance approving the creation of the Southwest Austin Municipal Districts 1, 2, 3 and 4 and after such closed or executive session any action to be taken will be done in open session.

RECESS

Council recessed for executive session at 1:45 p.m. and resumed its recessed meeting at 2:52 p.m.

SOUTHWEST AUSTIN MUD 1,2,3 AND 4

Motion

The Council, on Councilmember Rose's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance approving the consent agreement for the Southwest Austin Municipal Utility District 1, 2, 3, and 4. (7-0 Vote)

Motion

The Council, on Councilmember Rose's motion, Mayor Mullen's second, approved the Utility Construction Agreement, minus the language detailing the package treatment plant, deleting Section 2.04. (7-0 Vote)

EXECUTIVE SESSION

Mayor Mullen announced Council would go into Executive Session under Section 2, paragraph e to discuss Ku Klux Klan v. City of Austin, Black Citizen's Task Force v. City of Austin - pending litigation - Section 2, Paragraph e and after such closed session any action to be taken will be done in open meeting.

RECESS

Council recessed its meeting at 2:55 p.m. and resumed its recessed meeting at 3:15 p.m.

PARADES IN AUSTIN

Council had before them an ordinance to consider amending Chapter 11-4, Code of the City of Austin, 1981, regarding parades.

Acting City Attorney Jonathan Davis recommended "that Council move to amend Section 11-4-18 of the Code of the City of Austin to delete Paragraph (d) relating to one parade per year limitation, that the ordinance Section 11-4-19 modification by the City Manager be included so that the Manager can be authorized to modify the route time and manner of conduct of parade and can take into consideration the number of parades the applicant has received permits for that same year and to clean up the definition of parade in 11-4-2 to make it more explicit about what we are talking about".

Motion

The Council, on Councilmember Duncan's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance amending Chapter 11-4, Code of the City of Austin, 1981 regarding parades; 11-4-18 deletion of Paragraph (d) relating to one parade per year limitation and 11-4-19 modifications by the City Manager. (7-0 Vote)

OPERATING BUDGET AMENDMENTS

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance amending the 1983-84 Operating and CIP Budgets by appropriating \$1,180,000 to provide City services associated with the annexation of FM 1325 and the extension of utility services to FM 620 and IH-35 North for limited purpose annexation including utility service in the allocated area. (7-0 Vote)

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance amending the 1983-84 Operating Budget by appropriating \$7,930 to the Police Department. (7-0 Vote)

OAK HILL HEIGHTS JOINT VENTURE

The Council, on Councilmember Shipman's motion, Councilmember Rose's second, adopted a resolution to approve the agreement regarding provision of Water and Wastewater between Oak Hill Heights Joint Venture and the City of Austin. (7-0 Vote)

The Council, on Councilmember Shipman's motion, Councilmember Rose's second, adopted a resolution approving Oak Hill Heights Joint Venture as a participant in the agreement regarding construction of improvements to the City of Austin's water system in the Oak Hill Area. (7-0 Vote)

AMENDMENT TO GAS SEARCH AGREEMENT

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, adopted a resolution authorizing action regarding a proposed amendment to the Gas Search Agreement between the Coastal Corporation, Valero Energy Corporation, Valero Transmission Company and Texas Commerce Bank (Trustee for the City of Austin) (6-0 Vote, Mayor Pro Tem Trevino was out of the room.)

Prior to the vote, Mr. Peterson, Assistant Director, Electric Utility, said a good part of the gas search has been done and it requires gas be sold to Valero. In the past two years Valero has taken very little of the gas. The amendment was proposed by Coastal States with money being transferred to a trust fund and the customer will benefit. Austin will gain \$50,000 with no detriment to customers.

NOTICE OF INTENTION TO ADOPT
A CONCURRENT ORDINANCE

The Council, on Councilmember Spaeth's motion, Mayor Mullen's second, adopted a resolution authorizing the issuance and publication of a "Notice of Intention to Adopt a Concurrent Ordinance" pursuant to Tex. Rev. Civ. Stat. Ann. Art. 1435a, relating to the creation of a Municipal Power Agency. (5-2 Vote, Councilmembers Shipman and Duncan voted No.)

Council also approved holding a Special Called Meeting on December 26, 1983 at 10:00 a.m.

Prior to the vote, Mr. Ed Aghjayan, Director of Utilities, stated: "I would like to make a number of points in terms of benefits of reserving our option at this time to establish such an agency. One is an agency so formed can issue its own tax exempt financing, raise funds for existing or future construction of power plants or transmission or distribution systems. An agency of this type put together by two or more cities can also sell 25% of the output of such a facility to investor owned utilities which result in savings to both investor owned utilities and rate payers of such cities. The question in front of you is for consideration of reserving our option.

"An investor owned utility, as an example, is Houston Lighting and Power, owned by shareholders and stock holders, and to build the vast kind of capital intensive power generation projects that is required these days in the electric industry, financing a raise by investor owned utilities is taxable financing in contrast to the type of financing cities like Austin and San Antonio raise, which is tax exempt. There is generally about a 3% point difference in the financing when both entities are involved, with obviously the lower rate being with tax exempt financing.Under the current law there is a window saying if such an agency is formed by the end of the year such an agency can be done provided it is done by both entities, meaning parties in a joint action agency when there is two or more. In this case, Austin's consideration would have to be completed by the end of December. You can still form a joint action agency later on but voter approval for that kind of entity would be required."

After lengthy discussion the vote was taken.

ITEM POSTPONED

The request of Dr. Pat Gordon and Mr. Ed Padgett for approval of a building permit to construct a concrete bulkhead and backfill along the shoreline of Lots 1 through 6, Scenic Cove was postponed.

REQUEST FOR ZONING HEARING

The Council, on Councilmember Shipman's motion, Councilmember Rose's second, approved the request of Mr. Jerry Harris for Planning Commission to consider plat of Granada Oaks (C8-83-91) a 68 acre/49 lot subdivision filed on October 26, 1983 and scheduled to be heard by the Planning Commission on December 13, 1983, in lieu of delaying further processing until January 13, 1984. (6-0 Vote, Mayor Mullen was out of the room.)

CITY POLICY ON MUD'S DISCUSSED

Mr. Ed Wendler Sr. appeared before Council to discuss action on possible revision of the consent agreements for the South Central Austin Growth Corridor Municipal Utility District No. 1; and action on possible revision of the consent agreements for the Maple Run at Austin Municipal Utility District No. 1 in order to conform with the new City policy. As a representative of Nash Phillips Copus he said "with the approval of the Circle C districts I think there is an inequity that exists that I would like to address. I would like you to approve creation of the South Austin Municipal Utility District No. 1 and direct staff and applicant to get together and make necessary reformation of contracts and documents in order to permit this district to have bonding authority for drainage of 70% which is the full state maximum and that we change the annexation date in it which are now at 4 years for annexation and actual calculation of off-set at 7 years and change that to same as preceding district in order to bring equity to the situation. The districts all came in at the same time and we spent many weeks negotiating the whole package and when we were through we thought that was it. We think we are entitled to these same things."

(Action on ordinance approving the creation of the South Austin Municipal Utility District No. 1 listed under ordinances on agenda.)

Motion

The Council, on Councilmember Rose's motion, Councilmember Spaeth's second, waived the requirement for three readings and finally passed an ordinance approving the creation of the South Austin Municipal Utility District No. 1 and direct staff to work with the applicant on all three MUD's (South Central, Maple Run and South Austin Municipal) and come back next week with language in both areas (bonding authority for drainage of 70% and annexation date to 10 years). (7-0 Vote)

ZONING CASE EXTENSION GRANTED

The Council, on Mayor Pro Tem Trevino's motion, Mayor Mullen's second, approved the request of Mr. William S. Shipman and Mr. J. Milzman for extension of Zoning Case No. C14-81-055 for an additional six months. (6-0 Vote, Councilmember Rose was out of the room.)

ENVIRONMENTAL BOARD REPORT

Ms. Susan G. Hadden presented the Environmental Board Report on their recommendations on the Edwards Aquifer. Report is on file in the City Clerk's office.

ANNEXATION HEARINGS

Mayor Mullen opened the hearing set for 4:30 p.m. on annexation of the following: 441.2 acres of land for limited purpose out of the Theodore Wahrenberger Survey, Menucan Hunt Survey No. 105 and 106 and the Peter Conrod Survey No. 112 in Travis County, Texas, Milwood Sections 12 through 21 and unplatted land. C7a-83-014.

Mr. Lillie said this is the second of two hearings. No one else appeared to be heard.

Motion

The Council, on Councilmember Shipman's motion, Mayor Mullen's second, closed the public hearing. (6-0 Vote, Councilmember Rose was out of the room.)

Mayor Mullen opened the public hearing set for 4:30 on annexation of the following: 9.5 acres of land out of the Patterson Moore Survey No. 70 in Travis County, Texas, Allenwood Subdivision. C7a-83-015.

Mike Parrish appeared before Council to ask why a fiscal study when nothing has been done. Donna Kristaponis, Assistant Director of Planning, told him a preliminary plan has been filed and there is no basis as to what might or might not be there. Councilmember Duncan asked that Management and Budget prepare a fiscal note on "AA".

Motion

The Council, on Councilmember Duncan's motion, Mayor Pro Tem Trevino's second, closed the public hearing and directed that this be brought back on the January 5, 1984 agenda. (5-0 Vote, Mayor Mullen and Councilmember Rose were out of the room.)

ZONING HEARING

Mayor Mullen opened the zoning hearing scheduled for 4:00 p.m. Council heard, closed the public hearing, granted and instructed the Acting City Attorney to draw the necessary ordinance.

C14-83 BARRY & JACKIE 5300-5304 Duval
214 GANNAWAY 404-406 East 53rd

From "A" 1st H&A
To "O" 1st H&A
RECOMMENDED subject to
15' of right-of-way on
East 53rd; 25' buffer on
northern property line of
northernmost lot, no
parking allowed within
10' of northernmost
property line.
GRANTED AS RECOMMENDED

Mr. Lillie explained this was an old collector street from single family to multiple family.

Jackie Gannaway said neighbors in a 300' radius did not respond negatively to the zoning request. The staff has not received any unfavorable comments. She then showed slides.

(On Councilmember Shipman's motion, Councilmember Duncan's second, 7-0 Vote)

ADJOURNMENT

Council adjourned its meeting at 5:25 p.m.